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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT SEATTLE

6 Koninklijke Philips Electronics NV,  
7  
8 Plaintiff,  
9 v.  
10 Cardiac Science Operating Company,  
11 Defendant.

Case No. C08-543 MJP

ORDER REQUESTING  
ADDITIONAL BRIEFING

12 Currently pending is Plaintiff's motion for the Court to schedule a claim construction  
13 hearing. (Dkt. No. 15.) Oral argument on this motion is scheduled for Friday, September 12,  
14 2008 at 1:30 PM. Before hearing argument and deciding the motion, the Court requests  
15 additional briefing from the parties to be submitted by Tuesday, September 9, 2008. The  
16 briefing should be no longer than five pages and should address the following issues:

- 17 (1) The scope of the District Court's appellate role in an action filed pursuant to 35  
18 U.S.C. § 146 and the appropriate standard(s) of review.  
19 (2) Whether Plaintiff's motion requires this Court to review decisions by the Board of  
20 Patent Appeals and Interferences that involve issues of law only and not factual findings.  
21 (3) Whether Plaintiff's motion addresses all claims contained in Plaintiff's complaint.

22 The Clerk is directed to send a copy of this order to all counsel of record.

23 Dated: September 4, 2008.

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26 Marsha J. Pechman  
27 U.S. District Judge